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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**
11

12 JEFFREY ANDERSEN, an individual, on
behalf of himself and all similarly situated
13 individuals,

14 Plaintiff,

15 vs.

16 BRIAD RESTAURANT GROUP, LLC., a
New Jersey limited liability company; and
17 DOES 1 through 100, inclusive,

18 Defendant.
19

Case No. 2:14-cv-00786-GMN-BNW

**STIPULATION AND ORDER TO STAY
ALL PHASE II PROCEEDINGS**

(First Request)

20 Plaintiff JEFFREY ANDERSEN (“Plaintiff”) and Defendant BRIAD RESTAURANT
21 GROUP, LLC (“Defendant”) (referred to collectively as the “Parties”), by and through their
22 respective counsel of record, hereby stipulate to and request an order granting a temporary 90-day
23 stay of all proceedings in the this matter to avoid unnecessary litigation costs while the Parties
24 execute mediation with Hunter Hughes, Esq., an experienced mediator of wage and hour class
25 actions located in Atlanta, Georgia, with whom counsel for the Parties have recently settled a similar
26 matter.

27 The Court is aware of the lengthy procedural history of this action. It is worth noting that
28 only with the Parties now having digested the appropriate standard for resolving cases under the

1 Nevada Minimum Wage Amendment and in the wake of this Court's class certification order and
2 subsequent motion practice surrounding composition of the Certified Class, has an accurate
3 alleged damages accounting based on the proper information upon which to base an earnest
4 settlement effort been feasible. Having now exchanged extensive and focused class discovery and
5 performed their own respective analyses of the class time and pay data, the Parties have come to a
6 mutual, good faith belief that they can resolve this matter with only minimal additional expense
7 through mediation with Mr. Hughes. Counsel for the Parties recently used Mr. Hughes's services to
8 settle a putative class action involving claims similar to those at issue here and believe that his
9 familiarity with the particular issues in this case, along with his extensive experience and expertise in
10 wage and hour class actions in general, will be invaluable for resolving this matter. The Parties ask
11 to stay the instant proceedings to schedule a mediation date with Mr. Hughes, whose availability is
12 limited by high demand for his services.

13 The Joint Discovery Plan and Scheduling Order for Phase II Discovery provides a deadline to
14 disclose rebuttal experts of March 9, 2020, a discovery cutoff deadline of April 7, 2020, and a
15 dispositive motion deadline of May 7, 2020. The Parties were in the midst of conducting discovery
16 when they completed their analysis of the class pay and time data and began discussing the
17 promising prospect of mediating the case with the assistance of Mr. Hughes. As the additional costs
18 associated with continuing discovery efforts would prove unnecessary if the Parties were to resolve
19 this matter at mediation, the Parties request a stay in this matter to avoid putting those costs to waste.
20 In the absence of a stay, the Parties anticipate incurring costs related to the completion of written fact
21 discovery and the completion of expert discovery, including deposing expert witnesses and rebuttal
22 expert witnesses.

23 The Parties therefore request the following:

- 24 • That the Court enter a temporary 90-day stay of this matter beginning February 21, 2020, and
25 going through May 21, 2020;
- 26 • That the Court stay the Parties' discovery cutoff deadline and order that the time remaining
27 on the deadline as of February 21, 2020, immediately recommence upon the lifting of the
28 stay, setting the new deadline at July 6, 2020;

- That the Court stay the Parties' deadline for disclosing rebuttal expert witnesses and order that the time remaining on the deadline as of February 21, 2020, immediately recommence upon the lifting of the stay, setting the new deadline at June 4, 2020;
- That the Court stay the Parties' deadline for filing dispositive motions and order that the time remaining on the deadline as of February 21, 2020, immediately recommence upon the lifting of the stay, setting the new deadline at August 5, 2020;
- That the Court stay the Parties' deadline for filing the Pre-Trial Order and order that the time remaining on the deadline as of February 21, 2020, immediately recommence upon the lifting of the stay, setting the new deadline at September 7, 2020 (unless a timely dispositive motion is filed, in which case the deadline for filing the Pre-Trial Order will be suspended until 30 days after entry of a decision on the last such motion, or until the date ordered by the Court).

Dated: February 21, 2020

Dated: February 21, 2020

/s/ Daniel Bravo

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Attorneys for Defendants

IT IS SO ORDERED

DATED: February 26, 2020



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

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